

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WILLIAM F. ABRAMS,

Plaintiff,

v.

UNUM LIFE INSURANCE COMPANY OF  
AMERICA,

Defendant.

Case No. 2:21-cv-00980-JLR

**JOINT STATUS REPORT AND  
DISCOVERY PLAN**

In compliance with Federal Rule of Civil Procedure 26(f), the parties submit this Joint Status Report and Discovery Plan.

**1. Nature and Complexity of Case:** This case involves a dispute over Plaintiff's eligibility for long-term disability benefits under an employee welfare benefit plan governed by the Employee Retirement Income Security Act, 29 U.S.C. § 1001, *et seq.* ("ERISA"). This case is not complex.

**2. Proposed Deadline for Joining Additional Parties:** The parties suggest November 1, 2021 as a deadline for joinder of additional parties.

**3. Use of Magistrate Judge:** No.

**4. Proposed Discovery Plan:**

A. Initial Disclosures: The parties agree to waive initial disclosures. Defendant will provide Plaintiff with a digital, bates-stamped copy of Defendant's proposed administrative record for review/approval.

1 B. Subjects, Timing and Phasing of Discovery: The parties agree that no discovery is  
2 necessary.

3 C. Electronically Stored Information: The parties do not anticipate the need for any  
4 production of electronically stored information (ESI), but would use the Model Protocol for  
5 Discovery of ESI if necessary.

6 D. Privilege Issues: The parties do not believe this case will involve unique or extensive  
7 claims of privilege or work product protection.

8 E. Limitations on Discovery: The parties agree that no discovery is necessary in this ERISA-  
9 governed benefit case. The parties believe this case can be decided based upon the Court's review  
10 of the administrative record.

11 F. Additional Orders: The parties will agree to file a stipulated motion to seal the  
12 administrative record in this case, which contains significant amounts of confidential medical  
13 information as well as personal information of non-parties.

14 **5. Alternate Dispute Resolution (ADR) and Discovery:**

15 A. Prompt Case Resolution: The parties agree that a hearing on cross-dispositive motions  
16 based on the administrative record would be appropriate by January 15, 2022. The parties will  
17 propose an agreed briefing schedule.

18 B. Alternative Dispute Resolution: The Parties will endeavor to engage a neutral for ADR  
19 before the end of 2021.

20 C. Related Cases: None

21 D. Discovery Management: Though no discovery is anticipated, the parties would work  
22 cooperatively with respect to discovery, and may use the Model Protocol if ESI issues arise.

23 E. Subjects on Which Discovery Sought: The parties agree that no discovery is necessary.

24 F. Phasing Motions: The parties reserve their right to file a motion to determine the  
25 applicable standard of review of the administrative record before dispositive motions are heard  
26 or a bench trial on the record is held.

27 G. Preservation of Discoverable Information: Though no discovery is anticipated, the

1 parties agree to preserve all known, relevant active ESI and hard copy records. No Court  
2 intervention is needed on this issue at this time.

3 H. Privilege Issues: The parties agree to return any inadvertently disclosed privileged  
4 information or work product to the disclosing party.

5 I. Model Protocol for Discovery of ESI: The parties may use the Model Protocol for  
6 Discovery of ESI if necessary.

7 J. Alternatives to Model Protocol for Discovery of ESI: An alternative is unnecessary given  
8 that the parties may use the Model Protocol if necessary.

9 **6. Date for Completion of Discovery:** No discovery is anticipated in this case.

10 **7. Bifurcation of Trial:** The parties do not believe trial should be bifurcated.

11 **8. Pretrial Statement and Pretrial Order:** The parties do not waive the requirement of  
12 Pretrial Statements and the Pretrial Order.

13 **9. Individualized Trial Program:** The parties do not intend to use the Individualized Trial  
14 Program as set forth in Local Civil Rule 39.2.

15 **10. Shortening or Simplifying Case:** Defendant will produce the administrative record for  
16 Plaintiff's review/agreement and file it, with a stipulated motion to seal, with the Court. The  
17 parties agree the case can be decided through dispositive motions.

18 **11. Trial Readiness:** The parties request a hearing on cross-dispositive motions on or after  
19 January 15, 2022.

20 **12. Nature of Trial:** Because this case is governed by ERISA, the parties anticipate any trial  
21 will be non-jury.

22 **13. Length of Trial:** The parties estimate it would take one day to try this case, in the form  
23 of a dispositive motion hearing.

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1 **14. Contact Information for Trial Counsel:**

2 a. Attorneys for Plaintiff:

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20 **15. Conflicts to Consider When Setting Trial Date:**

21 Plaintiff Conflicts: Plaintiff is unavailable 6/6–6/13/22; 6/18–6/21/22.

22 Defendant Conflicts: Defendants are unavailable 12/14/21; 1/17 – 2/28/22; 4/4 - 5/6/22;  
23 5/10 – 5/16/22; 5/30–6/20/22; 7/6 – 7/8/22; 7/11 – 7/15/22.

24 **16. Statement of Service:** All Defendants have been served.

25 **17. Scheduling Conference:** The parties request a scheduling conference to set a date for  
26 bench trial.

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1 **18. Corporate Disclosure Statements:** Defendant filed its Corporate Disclosure Statement  
2 on August 16, 2021 (Dkt. #8).

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4 Respectfully submitted this 1st day of October, 2021.

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